

# Role Description

## Crown Prosecutor

|                           |                                                                         |
|---------------------------|-------------------------------------------------------------------------|
| Department/Agency         | Office of the Director of Public Prosecutions                           |
| Division/Branch/Unit      | Crown Chambers                                                          |
| Classification/Grade/Band | Crown Prosecutor                                                        |
| OSCA Code                 | 1118192                                                                 |
| PCAT Code                 | 271111                                                                  |
| Date of Approval          | 01 April 2019                                                           |
| Agency Website            | <a href="https://www.odpp.nsw.gov.au/">https://www.odpp.nsw.gov.au/</a> |

### Agency overview

The Office of the Director of Public Prosecutions (ODPP) provides an independent, efficient, fair and just prosecution service for the people of New South Wales. Its vision is to be a dynamic prosecution service recognised for its excellence and leadership. The ODPP acts in the public interest on behalf of the state of NSW and community. NSW Parliament, the Judiciary, the Courts, Police, victims, witnesses and accused persons are key stakeholders in the criminal justice system that the ODPP interact with.

### Primary purpose of the role

Crown Prosecutors provide high-level, independent professional representation and advice as Counsel representing the Director of Public Prosecutions in criminal matters in all Criminal Courts.

The Crown Prosecutors represent the Director in providing an independent, efficient, fair and just prosecution service for the people of New South Wales.

The functions of a Crown Prosecutor under the Crown Prosecutors Act 1986 are:

1. to conduct, and appear as Counsel in, proceedings on behalf of the Director,
2. to find a bill of indictment in respect of an indictable offence where the person concerned has been committed for trial, and to make recommendations concerning an ex officio bill in other cases,
3. to advise the Attorney General or Director in respect of any matter referred for advice by either of them, and
4. to carry out such other functions of Counsel as the Attorney General or Director approves.

### Key accountabilities

- Conduct significant, complex or high-profile trials/appeals in the District Court, Supreme Court and Court of Criminal Appeal.
- Provide high level advice to and on behalf of the Director of Public Prosecutions.
- To assess evidence and certify to the Local Court the appropriate charge or charges to proceed to committal for trial in relation to matters involving the more serious indictable offences.
- Attend case conferences, negotiate with legal representatives of an accused and advise in relation to early and appropriate guilty pleas whilst a matter is in the Local Court.
- To make directions concerning the sufficiency of evidence, plea negotiations or termination of proceedings in the Local Court in accordance with the Director's Delegations.
- Conduct matters in accordance with the Director's Prosecution Guidelines, ODPP policies and procedures and the NSW Charter of Victims' Rights.
- Plan and submit recommendations for law reform on matters concerning the New South Wales criminal justice system.

- Liaise with senior officers of other organisations involved in the criminal justice system, law enforcement, law reform and other professional bodies to establish a close working relationship to ensure the efficient working of the criminal justice system.
- Provide advice and guidance to private barristers briefed on behalf of the ODPP in trials, sentences and other applications.

## Key challenges

- To prepare and conduct criminal trials and/or appeals with minimal preparation time and in a highly stressful environment.
- To prepare large and complex matters involving multiple complainants and/or multiple accused and legal representatives, whilst ensuring that ethical standards are adhered to in accordance with the Director's Prosecution Guidelines and relevant legal principles.
- Deal with complex issues of law and fact that arise during a trial and have the ability to make cogent submissions to judicial officers with minimal notice or preparation time.
- To provide a prosecution service in accordance with the relevant legal principles applicable to Crown Prosecutors and in light of the applicable Legal Profession Uniform Conduct (Barristers) Rules 2015, to ensure that there is a balance in the rights of various stakeholders in the criminal justice system.
- Maintaining objectivity while coping with the subject matter of prosecution cases.
- The prosecution of criminal matters can involve exposure to traumatic material and events. The Office offers a range of support mechanisms to assist in this regard.

## Key relationships

### Internal

| Who                                                                                                              | Why                                                                                                                                                                                                                                                                                                 |
|------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Director and Deputy Directors of Public Prosecutions                                                             | <ul style="list-style-type: none"> <li>• To make recommendations and seek directions regarding no further proceedings, plea offers, substitution of charges and ex officio counts</li> </ul>                                                                                                        |
| Senior Crown Prosecutor and Deputy Senior Crown Prosecutors                                                      | <ul style="list-style-type: none"> <li>• To raise issues and seek advice concerning conduct of briefed matters</li> </ul>                                                                                                                                                                           |
| Professional Assistant to Senior Crown Prosecutor                                                                | <ul style="list-style-type: none"> <li>• To discuss issues relating to briefing of matters</li> </ul>                                                                                                                                                                                               |
| Other ODPP staff including Crown Prosecutors, Solicitor Advocates, Legal Staff, Administrative Staff and Witness | <ul style="list-style-type: none"> <li>• Work and lead in a team environment to ensure the delivery of an effective and efficient prosecution service</li> <li>• Provide ongoing guidance, assistance and advice to Solicitor</li> </ul>                                                            |
| Assistance Services Officers                                                                                     | <ul style="list-style-type: none"> <li>• Advocates and other solicitors in the ODPP in relation to the screening and preparation of briefs and the conduct of matters in Court</li> <li>• Provide professional development, mentoring and guidance to Solicitor Advocates and Solicitors</li> </ul> |

### External

| Who               | Why                                                                                                                                                                                                          |
|-------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Victims/Witnesses | <ul style="list-style-type: none"> <li>• To deliver on the ODPP's commitment to victims and witnesses and meet the obligations under the ODPP Guidelines and Victim's Rights and Support Act 2013</li> </ul> |

| Who             | Why                                                                                                                                                                                                        |
|-----------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Police          | <ul style="list-style-type: none"> <li>Liaise with police officers in charge, obtain and provide all necessary material and information required for the preparation and prosecution of matters</li> </ul> |
| Courts          | <ul style="list-style-type: none"> <li>Interact with court registries and court officers to provide and obtain necessary information and assistance relating to matters being prosecuted</li> </ul>        |
| Defence Lawyers | <ul style="list-style-type: none"> <li>Provide and obtain necessary material and negotiate for the efficient prosecution and resolution of matters</li> </ul>                                              |

## Role dimensions

### Decision making

The role is accountable for the achievement of the key objectives and accountabilities listed, taking into account the prosecutorial independence of Crown Prosecutors and the Director's Prosecution Guidelines. Crown Prosecutors provide advice and guidance to more junior Crown Prosecutors and Solicitor Advocates in matters where a reduction in charges is being considered and the victim or OIC objects to the reduction of charges in accordance with the Director of Public Prosecutions Prosecution Guidelines. Crown Prosecutors statewide will consult with all relevant stakeholders in respect to the conduct of cases generally. Crown Prosecutors in Regional Locations will exercise delegated authority to discontinue any prosecution or proceeding before the Local Court or appeals to the District Court in accordance with the Director's Delegations

### Reporting line

Deputy Senior Crown Prosecutor

### Direct reports

Nil

### Budget/Expenditure

Nil

## Key knowledge and experience

- Experience as a Counsel in jury trials and/or appellate advocacy in criminal matters.
- Extensive and up to date knowledge of NSW criminal laws, the rules of evidence and relevant Director's Prosecution Guidelines and legal principles applicable to Crown Prosecutors and the Legal Profession Uniform Conduct (Barrister) Rules 2015.

## Essential requirements

- Eligible for admission as a legal practitioner of the Supreme Court of New South Wales.
- Experience as a Counsel in jury trials and/or appellate advocacy in criminal matters.
- Extensive and up to date knowledge of NSW criminal laws, the rules of evidence and relevant Director's Prosecution Guidelines and legal principles applicable to Crown Prosecutors and the Legal Profession Uniform Conduct (Barrister) Rules 2015.
- Strong interpersonal, organisational and time management skills.
- Strong negotiation, leadership, analytical and problem-solving skills and an ability to make decisions under pressure whilst maintaining professionalism.